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In The

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1973

No. 73-808

ROBERT C. MILLER,
Petitioner,

vs.

TED W. BROWN, et al.,
Respondents.

PETITION FOR REHEARING OF DENIAL OF A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

ROBERT C. MILLER
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To The Honorable, the Chief Justice and the Associate Justices of the Supreme Court of the United States of America:

The petitioner, Robert C. Miller, petitions the Court for a rehearing of the order of this Court rendered on January 21, 1974, denying the Petition for a Writ of Certiorari to review the judgment of the Court of Appeals for the Sixth Circuit rendered on August 22, 1973 and reaffirmed on September 10, 1973, affirming the United States District Court for the Southern District of Ohio, Western District.

A. CERTIFICATE

This petition is presented in good faith and not for delay, and is restricted to grounds of substance although not fully and previously presented, and which grounds are of substantial and controlling effect.

Robert C. Miller

B. GROUNDS FOR PETITION FOR REHEARING

The grounds for this petition for rehearing are based on the cases cited in paragraph 2. of Rule 58 and are submitted because of intervening circumstances of substantial or controlling effect, and other grounds available to petitioner although not previously presented.

ARGUMENT AMPLIFYING GROUNDS FOR PETITION FOR REHEARING

Because a Congress of a number of years ago and ones since could be sideline defendants in this complaint, appeal, and petition, the plaintiff-appellant used defendants typical to previous voting rights cases including Civil No. 8316 in the United States District Court Southern District of Ohio, Western Division wherein three seventeen year olds attempted to obtain the right to vote in a primary election. The plaintiff-appellant in this case was mindful of the constitutional provision in Article One, Section 6 which states "they shall not be questioned in any other place". The plaintiff seeks remedy for himself and his class in the Court not

only because of the Court's authority to provide justice but also because of its representative nature. If the Court will accept the premise that Congress in this is in some nature a defendant, then the examination of this complaint would have some merit. It was reported in the Press on January 8, 1974 that the Senate Watergate Committee submitted to the District Court in Washington, D.C. a memorandum suggesting the possibility of recommendation for a single term for the Office of President. This provides the possibility for discussion of this issue in another district court, a privilege not granted in these courts below on the matter of unlimited terms for the Office of President. Therefor justice may be denied.

There being no Ohio statute "implementing" the 22nd Amendment to the Federal Constitution (See order of June 21, 1973 on Civil 8719 in the District Court below) it is submitted that the Court should have relieved one of the counsels for the defendants that he might have been allowed a role as public defender and supporter and defender of the Constitution of the United States of America.

When elected representatives in over twenty years have indicated no interest in repealing the 22nd Amendment, it appears that an appeal to the Courts is appropriate and is of merit. It is submitted that in the years just before mandatory retirement, the holder of any position has less real power. In March of 1947 when the resolution for the 22nd Amendment was submitted, the nation was at top strength. The nation was great compared to the new struggling nation which imposed no mandatory retirements. It is submitted that the plan that helped our nation to a strength attained in war needs to be reinstated that the nation may better be strong in executive leadership for peace.

It is further submitted that this action is an exercise of a right retained by the people as enacted in Article IX of the Amendments to the Constitution of the United States of America.

CONCLUSION

For the reasons set forth above, a writ of certiorari should issue to review the judgment of the Sixth Circuit.

Respectfully submitted,

ROBERT C. MILLER
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